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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,240	02/26/2002	Yoshifumi Arai	YOKOP001	8018

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EXAMINER

BAKER, CHARLOTTE M

ART UNIT PAPER NUMBER

2625

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/085,240

Applicant(s)

ARAI ET AL.

Examiner

Charlotte M. Baker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☒ Claim(s) 19-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/27/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 02/27/2006 was considered with the exception of the Japanese Office Action, which accompanied no English translation.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the computer program method steps (claims 26-28) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 26-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer implemented method claimed is merely a set of instructions per se. Since the computer implemented method is merely a set of instructions not embodied on a computer readable medium to realize the computer program functionality, the claimed subject matter is non-statutory. See MPEP § 2106 IV.B.1.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by Chan (6,342,952).

**Regarding claim 19:** Chan discloses creating color matching information (Fig. 1, software package C 22 (part of server 10) and col. 3, ln. 55-60) based on the data relating to actual colors (desired color) and the data of standard colors (database of color information, col. 3, ln. 55-60).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 20, 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan (6,342,952) in view of Ohga (6,788,305).

**Regarding claim 20:** Chan satisfies all the elements of claim 19. Chan further discloses creating color matching information (Fig. 1, software package C 22 (part of server 10) and col. 3, ln. 55-60).

Chan fails to specifically address actual colors output by a printing device and the data of standard colors output by a printing device.

Ohga discloses based on the data relating to actual colors output by a printing device (Fig. 8, output device 110) other than standard machines and the data of standard colors output by a printing device which is the standard machine (image output device, col. 4, ln. 3-12).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include actual colors output by a printing device and the data of standard colors output by a printing device in order to execute appropriate color matching in a network environment as taught by Ohga (col. 1, ln. 44-46).

**Regarding claim 22:** Chan in view of Ohga satisfy all the elements of claim 20. Chan further discloses wherein the data of the standard colors is lightness data (lightness ( $S_L$ ), col. 6, ln. 7-12).

**Regarding claim 23:** Chan discloses receive color output data associated with another computing system (col. 3, ln. 30-38); and determine, based on said color output data (col. 3, ln. 30-38) and data that effectively describes the predetermined or desired set of colors (col. 3, ln. 30-38), color matching information information (Fig. 1, software package C 22 (part of server 10) and col. 3, ln. 55-60) that can be used by said other computing system (col. 3, ln. 30-38) to convert said color data into said set of predetermined or desired colors (Fig. 1, software package C 22 (part of server 10) and col. 3, ln. 55-60), thereby determining color matching information (Fig. 1, software package C 22 (part of server 10) and col. 3, ln. 55-60) that can be used to convert said color data into said predetermined or desired set of colors (Fig. 1, software package C 22 (part of server 10) and col. 3, ln. 55-60).

Chan fails to specifically address relating to actual colors printed by a printer; in order to print colors that match the colors of said predetermined or desired set of colors.

Ohga discloses relating to actual colors printed by a printer (Fig. 8, output device 110); in order to print colors that match the colors of said predetermined or desired set of colors (image output device, col. 4, ln. 3-12).

**Regarding claim 24:** Chan in view of Ohga satisfy all the elements of claim 23. Chan further discloses wherein said computing system acts as a server (Fig. 1, server 10) to said other computing system (Fig. 1, CPU 4), and said other computing system (Fig. 1, CPU 4) acts as a client to said server (Fig. 1, server 10); and wherein said computing system (Fig. 1, server 10) is further operable to send color matching information (Fig. 1, software package C 22 (part of server 10) and col. 3, ln. 55-60) to said other computing system (Fig. 1, CPU 4), thereby allowing said other computing system (Fig. 1, CPU 4) to use said color matching information

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(Fig. 1, software package C 22 (part of server 10) and col. 3, ln. 55-60) to convert said color data into said predetermined or desired set of colors (Fig. 1, software package C 22 (part of server 10) and col. 3, ln. 55-60).

Chan fails to specifically address print colors that match the colors of said predetermined or desired set of colors.

Ohga discloses print colors that match the colors of said predetermined or desired set of colors (image output device, col. 4, ln. 3-12).

**Regarding claim 25:** Arguments analogous to those stated in the rejection of claim 23 are applicable.

**Regarding claim 26:** Arguments analogous to those stated in the rejection of claim 23 are applicable. A recording medium that stores a print control program is inherently taught as evidenced by Chan CPUs (4,10) and various memories stored therein.

**Regarding claim 27:** Chan in view of Ohga satisfy all the elements of claim 26. Arguments analogous to those stated in the rejection of claim 24 are applicable. A recording medium that stores a print control program is inherently taught as evidenced by Chan CPUs (4,10) and various memories stored therein.

**Regarding claim 28:** Arguments analogous to those stated in the rejection of claim 25 are applicable. A recording medium that stores a print control program is inherently taught as evidenced by Chan CPUs (4,10) and various memories stored therein.

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan.

**Regarding claim 21:** Chan satisfies all the elements of claim 19.

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Chan fails to specifically address lightness data in the main embodiment, but discloses it in a later embodiment.

Chan further discloses wherein the data of standard colors is lightness data (lightness (S<sub>L</sub>), col. 6, ln. 7-12).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include lightness data in order to incorporate the common color tolerancing method of color matching as taught by Chan (col. 5, ln. 65 through col. 6, ln. 12).

***Allowable Subject Matter***

11. Claims 1-18 are allowed.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



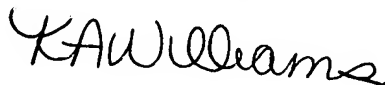
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
CMB



**KIMBERLY WILLIAMS**  
**SUPERVISORY PATENT EXAMINER**